

CHAPTER 103
STATE EMPLOYEE DRIVING GUIDELINES

[Prior to 9/17/03, see 401—Chapter 11]

11—103.1(80GA,HF534) Purpose. The purpose of this chapter is to provide for the assignment of state motor vehicles and for the administration of a self-insurance program for motor vehicles owned by the state.

11—103.2(80GA,HF534) Definitions.

“At-fault accident” means an accident in which the state driver is determined to be 50 percent or more responsible for the accident.

“Cargo payload” means the net cargo weight transported. The weight of the driver, passengers, and fuel shall not be considered in determining cargo payload.

“Cargo volume” means the space calculated in cubic feet behind the vehicle driver and passenger seating area. In station wagons, the cargo volume is measured to the front seating area with the second seat laid flat behind the driver.

“Defensive driving course” means an eight-hour course with instruction provided by the Iowa state patrol.

“Driver improvement course” means an eight-hour course with instruction provided by a local area college.

“Gross vehicle weight rating (GVWR)” means the weight specified by the manufacturer as the loaded weight of a single vehicle.

“Habitual violation” means that the person has been convicted of three or more moving violations committed within a 12-month period.

“Passengers” means the total number of vehicle occupants transported on a trip, including the driver.

“Pool car” means a vehicle assigned to the state of Iowa, department of administrative services, division of fleet and mail pool.

“Preventable accident,” for purposes of this chapter, means an accident that could have been prevented or in which damage could have been minimized by proper evasive action.

“Primary use” means the utilized application exceeds 50 percent of the miles driven annually for United States Environmental Protection Agency (EPA)-designated light-duty trucks and vans and exceeds 75 percent of the miles driven annually for EPA-designated passenger sedans and wagons.

“Private vehicle” means any vehicle not registered to the state of Iowa.

“Special work vehicle” means but is not limited to fire trucks, ambulances, motor homes, buses, medium- and heavy-duty trucks (25,999 lbs. GVWR and larger), heavy construction equipment, and other highway maintenance vehicles, and any other classes of vehicles of limited application approved by the state vehicle dispatcher.

“State driver” means any person who drives a vehicle to conduct official state business other than a law enforcement officer.

“State vehicle” means any vehicle registered to the state of Iowa, department of administrative services.

11—103.3(80GA,HF534) Applicability.

103.3(1) *Agencies subject to vehicle assignment standards.* Pursuant to 2003 Iowa Acts, House File 534, section 52, the agencies listed below shall assign all vehicles within their possession, control, or use in accordance with the standards set forth in rule 103.4(80GA,HF534). The following agencies are subject to the vehicle assignment standards in rule 103.4(80GA,HF534):

- a. State vehicle dispatcher;
- b. State department of transportation;
- c. Institutions under the control of the state board of regents;
- d. The department for the blind; and
- e. Any other state agency exempted from obtaining vehicles for use through the state vehicle dispatcher.

103.3(2) *Exceptions to vehicle assignment standards.* This rule shall not apply to special work vehicles, law enforcement vehicles and vehicles propelled by alternate fuels.

103.3(3) *Exceptions to driving guidelines for the vehicle self-insurance program.* The driving guidelines for the vehicle self-insurance program do not apply to the department of transportation or to institutions under the authority of the board of regents. Nor do they supersede any applicable federal law or regulation or state law. Persons who have been granted an ADA exception through the department of administrative services are also exempted from these guidelines.

11—103.4(80GA,HF534) Vehicle assignment guidelines.

103.4(1) In order to maximize the average passenger miles per gallon of motor vehicle fuel consumed, vehicles shall be assigned on the following basis:

- a. EPA-rated compact sedans shall carry one or two passengers and their personal effects.
- b. EPA-rated compact wagons shall carry one or two passengers, their personal effects, and cargo for which a compact sedan cannot be used.
- c. EPA-rated midsize sedans shall carry three or more passengers and their personal effects.
- d. EPA-rated midsize wagons shall carry one or more passengers, their personal effects, and cargo that will not conform to the use of a midsize sedan.
- e. EPA-rated full-size sedans shall carry four or more passengers and their personal effects.
- f. Cargo vans shall be appropriate in size and GVWR for their primary use with regard to payload and cargo volume.
- g. Mini passenger vans shall carry three or more passengers, their personal effects, and cargo that does not conform to the use of a midsize wagon or full-size sedan.
- h. Eight-passenger vans shall carry five or more passengers and their personal effects.
- i. Twelve-passenger vans shall carry seven or more passengers and their personal effects.
- j. Fifteen-passenger vans shall carry nine or more passengers and their personal effects.
- k. Pickups and sport utility vehicles shall be appropriate in size, GVWR, and drivetrain (two-wheel drive or four-wheel drive) for their primary use with regard to trailering, payload, cargo volume, and on/off road requirements.

103.4(2) Vehicles that are made available for temporary assignment, such as departmental pool vehicles, shall be assigned in accordance with this rule. If an appropriately classified vehicle is unavailable, a larger available classification may be substituted. Other substitutions may be authorized in consideration of passenger physical characteristics or disabilities or any other distinguishing circumstances and conditions as determined by the state vehicle dispatcher, the director of the department of transportation, or the executive director of the board of regents for the vehicles under their respective authorities.

103.4(3) Vehicles permanently issued to agencies or drivers shall be assigned in accordance with this rule based on the primary use of the vehicle.

11—103.5(80GA,HF534) Type of accident. The determination as to whether an accident is without fault, at fault, or preventable shall be made by the risk manager of the department of administrative services. In making this determination, the risk manager will consider all relevant information including information provided by the state driver and others involved in the accident, information provided by witnesses to the accident and information contained in any investigating officer's reports.

11—103.6(80GA,HF534) Valid driver's license required. A state driver shall not drive a state or private vehicle on state business if the state driver does not currently possess a valid driver's license with the appropriate classifications, restrictions and endorsements.

11—103.7(80GA,HF534) Required reporting. A state driver must report any potential liability, collision or comprehensive loss which occurs while conducting state business to the risk manager of the department of administrative services. The failure to report may result in payment of any loss from the funds of the state driver's employing agency rather than from the state self-insurance fund. All documentation, such as proof of required class completion and insurance coverage, must be provided to the department risk manager.

11—103.8(80GA,HF534) Mandatory training. Each state driver who is assigned a state vehicle or who drives a state or private vehicle on state business at least 5,000 miles per year shall attend a defensive driving or driver improvement course every three years. Each state driver who drives a pool car shall also participate in vehicle safety classes as offered and required by the division of fleet and mail.

11—103.9(80GA,HF534) Required adherence to motor vehicle laws. Each state driver is required to abide by all applicable motor vehicle laws of the state of Iowa or any other state in which the state driver may be traveling.

11—103.10(80GA,HF534) Responsibility for payment of traffic violations. Each state driver is required to pay all fines arising from any violation of motor vehicle laws of the state of Iowa or any other state in which the state driver may be traveling.

11—103.11(80GA,HF534) Access to driving records. The fleet and mail division has the authority to monitor the Iowa department of transportation driving record of employees who drive a state vehicle or a private vehicle to conduct state business.

11—103.12(80GA,HF534) Corrective actions.

103.12(1) If a state driver is involved in any one of the following occurrences, the state driver will receive written counseling concerning the state driver's responsibilities and will be required to attend the next available defensive driving course. The defensive driving course must be attended after one of the following occurrences:

- a.* The state driver is involved in one at-fault or preventable accident while operating a state vehicle.
- b.* The state driver receives three moving traffic violations in a three-year period while operating a state vehicle or a private vehicle.

103.12(2) If a state driver is involved in any one of the following occurrences, the state driver will be suspended from driving a state vehicle for a period not to exceed one year and will be required to attend a driver improvement course. The driver shall attend the next available driver improvement course after one of the following occurrences. While the state driver is suspended from driving a state vehicle, the state driver will be allowed to receive mileage reimbursement from the state of Iowa for driving a private vehicle for state business. In addition, a state driver involved in one of the following occurrences shall provide proof of insurance which meets the minimum standards required by the state of Iowa, department of transportation, and proof of completion of the driver improvement course.

a. The state driver is involved in three at-fault or preventable accidents in a five-year period while operating a state vehicle.

b. The state driver is involved in five moving traffic violations within a three-year period while operating a state vehicle or a private vehicle.

c. The state driver is convicted of a first offense driving while intoxicated charge while operating a private vehicle on private business.

d. Transporting alcoholic beverages in the passenger compartment of a motor vehicle.

e. Habitual violation of traffic laws.

103.12(3) If a state driver is involved in any one of the following occurrences, the state driver will be suspended from driving a state vehicle for a period exceeding one year up to a permanent suspension or from driving a private vehicle on state business and will be required to attend and successfully complete, at the person's own expense, a driver improvement course. The driver shall attend the next available driver improvement course after one of the following occurrences. In addition, a state driver involved in one of the following occurrences shall provide proof of insurance which meets the minimum standards required by the state of Iowa, department of transportation, and proof of completion of the driver improvement course.

a. The state driver is involved in four at-fault or preventable accidents during a five-year period while operating a state vehicle.

b. The state driver receives six or more moving traffic violations while operating a state or private vehicle within a three-year period.

c. A state driver is convicted of more than one operating while intoxicated offense within a five-year period while operating a private vehicle on private business.

d. The state driver fails to notify the fleet and mail division of an operating while intoxicated conviction received while operating a state vehicle or a private vehicle.

103.12(4) If a state driver fails to attend or does not successfully complete the driver improvement course, the state driver will be suspended from driving a state or private vehicle for state business until such time as a driver improvement course has been successfully completed.

103.12(5) If a state driver is involved in any one of the following occurrences, the state driver will be suspended from driving a state vehicle or a private vehicle on state business for a period up to one year.

a. Driving a state vehicle or a private vehicle on state business with a suspended driver's license.

b. Driving a private vehicle for state business without the minimum insurance required by law.

103.12(6) If convicted of a first offense driving while intoxicated while driving a private vehicle on private business, the state driver is required to provide proof of satisfactory completion of a course for drinking drivers as defined in Iowa Code section 321J.22 and completion of substance abuse evaluation and treatment services in addition to the corrective actions imposed by 103.12(2).

103.12(7) If a state driver is convicted of operating a state vehicle while intoxicated, or operating a private vehicle on state business while intoxicated, the state driver will be permanently suspended from driving a state vehicle or a private vehicle on state business. This suspension may not be reconsidered.

11—103.13(80GA,HF534) Reconsideration of suspension. If a state driver is suspended from driving a state vehicle, the driver may request a reconsideration of the suspension. A written request for reconsideration must be submitted to the suspended driver's immediate supervisor. The immediate supervisor must provide a written report, supporting or denying the employee's request, to the director of the department of administrative services. The director shall act on this request and, within 60 days from receipt of the supervisor's request for reconsideration, notify the state driver's supervisor of the action taken.

11—103.14(80GA,HF534) Probationary drivers. If driving privileges are reinstated following a request for reconsideration, the reinstated state driver will be placed in a probationary state vehicle driving status for a period of three months. If a state driver in probationary status has a preventable or at-fault accident while operating a state or private vehicle on state business or receives a moving traffic violation while operating a state or private vehicle on state business, the probationary status will be revoked and the state driver's original suspension period will be reinstated. Following revocation of probationary status, the state driver may not request further reconsideration of the suspension. A driver in probationary status is eligible to receive mileage reimbursement from the state.

11—103.15(80GA,HF534) Temporary state-authorized work permit. State drivers may operate a state vehicle or a private vehicle on state business while holding a state-authorized work permit. In addition, a state driver operating under a state-authorized work permit shall provide proof of insurance which meets the minimum standards required by the state of Iowa, department of transportation.

These rules are intended to implement 2003 Iowa Acts, House File 534, sections 4, 29 and 52.

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CHAPTER 104

Reserved